REMARKS

Reconsideration and allowance are respectfully requested.

Consideration of the IDS filed on July 16, 2009 is requested.

Applicants note with appreciation the indication of allowable subject matter in claims 37, 42, 52, and 57. For the reasons explained below, Applicants believe that all the pending claims should be allowed.

Claims 34, 36, 38-40, 44-49, 51, 53-55, and 59-66 stand rejected under 35 U.S.C. §102 as allegedly being anticipated based on Allison. This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631 (Fed. Cir. 1987). There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Research Found. v. Genentech Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991). Allison does not satisfy this rigorous standard.

Allison describes a short message service (SMS) flood control routing node that receives short message service messages, determines the presence of short message service flooding, and takes appropriate action, such as discarding short message service messages that result in flooding. The presence of short message service message flooding may be determined by maintaining a count of short message service messages addressed to a particular called party within a time period. If the count exceeds a threshold, the short message service message that caused the count to exceed the threshold may be discarded. The routing node may generate a message the originator of a short message service message flood and/or to an enforcement agency.

1541975

The claimed technology solves problems that stem from the fact that there is no absolutely reliable one-to-one association between a specified SIM card (IMSI) and a specified subscriber (MSISDN). As described in the present specification, e.g., paragraphs [0004] and [0027-0029] of the published application, situations may occur when a single MSISDN number can be associated with more than one IMSI or IMEI number, be associated with more than one SIM card or mobile equipment.

The specification, e.g. paragraph [0018], makes clear that the term "hardware identification data" is data that is directly and uniquely connected to a piece of hardware, e.g., a SIM card or a mobile equipment. In contrast, a subscriber identity, like an MSISDN number, is not the claimed "hardware identification data" because a subscriber identity like an due to the lack of an absolute one-to-one association with a certain hardware.

The Examiner is interpreting the MSISDN in Allison to be mobile **station** International ISDN Number. But the most recent release of the 3rd Generation Partnership Project (3GPP) Vocabulary for 3GPP Specifications, defines MSISDN as Mobile **Subscriber** ISDN Number. See section 4 under M in 3GPP TR 21.905 V9.2.0 (2009-06), (see http://www.3gpp.org/Specification-Numbering). Note in [0010] of Allison that "[t]he VLR responds to the query and, if the receiving mobile subscriber (MS) is registered, provides the MSISDN corresponding to the IMSI to the MSC." In other words, Allison equates, as does the 3GPP organization, MSISDN with the mobile subscriber (MS) rather than the mobile station equipment.

In order to reduce the possibilities to misinterpretation of the claims, the independent claims are amended to recite: "first hardware identification data that uniquely identifies an intended terminating receiver of the message." As explained in the specification, the MSISDN

- 24 -

1541975

cannot be reasonably read on the term "hardware identification data" as defined in the claims. The MSISDN phone number is data that defines a certain subscriber. But a subscriber may have different phones or SIM cards etc. associated with this single MSISDN number. So the MSISDN is cannot uniquely identify a piece of hardware. In fact, the MSISDN is actually just an identification of an agreement between an operator and a subscriber. If there is a one-to-one association between an MSISDN and just one phone or SIM card, then the are no identification ambiguity problems. But if a single subscriber has, for example, dual SIM cards, that MSISDN cannot be used to distinguish one of those dual SIM cards from the other. On the other hand, IMSI, IMEI and IMEISV are non-limiting examples of hardware identification data for a specific piece of hardware that provide a unique, one-to-one association between the actual hardware and the hardware identification data.

Thus, Allison can not anticipate the independent claims in this case because it lacks the claimed "first hardware identification data that uniquely identifies an intended terminating receiver of the message." Withdrawal of the anticipation rejection is requested.

Claims 35, 41, 50, and 56 stand rejected for obviousness based on Allison and Mizell (2003/0126435), and claims 43 and 58 stand rejected for obviousness based on Allison and Brune (6,993,320). Mizell describes a method for authentication but lacks a teaching of transferring of a message and the claimed hardware identification data that uniquely identifies an intended terminating receiver of the message. Nor does Mizell disclose the claimed interaction between a message controller and the location updated subscriber database or managing based on the hardware identification data and data from the database. Likewise, Brune's method for billing telecommunication services is similarly deficient.
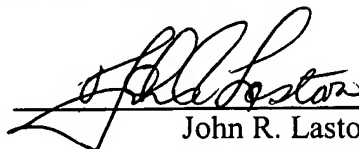
The application is in condition for allowance. An early notice to that effect is requested.

1541975

Respectfully submitted,

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